**ONTARIO MARINE HERITAGE COMMITTEE **

**Re: Bill 5 – Proposed Amendments to the Ontario Heritage Act**

This letter responds to the *Proposed Protect Ontario by Unleashing Our Economy Act 2025*, introduced by Stephen Lecce, Minister of Energy and Mines, in April.

Since 1975, the Ontario Marine Heritage Committee, a non-profit organization, has promoted the protection, preservation, and archaeological assessment of marine archaeological and heritage sites in Ontario. Our organization is wholly volunteer without any government funding or aid. Our concern is for the marine archaeological and heritage resources.

The proposed expansion of ministerial powers at the discretion of the government can only be viewed as a dangerous and deleterious action against the finite archaeological resources of this province. Ontario’s marine heritage includes not only shipwrecks, marine infrastructure, inundated archaeological sites but also Indigenous archaeological sites. The province's settlement began with the use of its extensive waterways. Indigenous people utilized these waterways for travel and resource extraction, such as fishing and harvesting rice. Bill 5 and the proposed amendments threaten these sites. If these proposals are implemented, we lose the chance to gather the valuable information from these sites and that will further our understanding of Ontario’s Marine history.

Bill 5 presents no apparent, declared or demonstrated needs that relates to the specific mandates (purpose or objectives) of the Ontario Heritage Act. The Bill provides no new or enhanced protections for historic or precontact sites and resources in Ontario. Instead, “New section 66.1 allows the Lieutenant Governor in Council to exempt property from any requirement in Part VI of the Act, or in related regulations, or exempt it from a requirement to conduct an archaeological assessment under provisions of any other Act or regulation, or instrument under any other Act. These exemptions may only be granted if the *Lieutenant Governor in Council is of the opinion that the exemption could potentially advance specified provincial priorities.”* (Author emphasis)

This section (66.1) dramatically alters the existing mandatory requirement for archaeological assessments of any land or underwater area in Ontario which potentially contains an archaeological site or archaeological material. This moves the critical decision-making process concerning potential archaeological sites out of the hands of professional archaeologists and into the hands of some unidentified person or body determined by the “Lieutenant Governor in Council” that is, the Ford government. This also means the assessment exemption decision would not necessarily have anything to do with archaeological considerations but would necessarily “advance specified provincial priorities.” While “specified provincial priorities” are not openly declared , it seems unlikely given the tone of Bill 5 that they would improve the protection of archaeological sites or materials in Ontario.

In terms of the Special Economic Zones Act, 2025, in this Act “the Lieutenant Governor in Council may, by regulation, designate an area of the Province as a special economic zone if the prescribed criteria are met for:… designation;… trusted proponents;… and designated projects….” The Bill provides no details on the criteria to be met for Special Economic Zone Designation, for designated projects within the special zones or for the trusted proponents involved in the projects. As well, “...5 (1)  The Lieutenant Governor in Council may, by regulation, exempt a trusted proponent or a designated project from requirements under provisions of an Act or of a regulation or other instrument under an Act, subject to conditions specified in the regulation, as those requirements would apply in a special economic zone.” This line of the act makes the ‘prescribed criteria’ from the previous quote moot, since an exemption from these requirements is available to those with even more undefined criteria. This point illustrates the total absence of transparency or accountability about the specific details involved in the implementation of the proposed changes in all sections of the proposed Bill.

Transparency in government means not only providing detailed information on what they are doing but also details on why they are doing this, how the decisions were made and how, and by whom, the related actions are to be implemented.

There are many vague and unanswered questions related to the proposed amendments. Who decides which projects are of provincial importance and security? Who decides the criteria involved in determining the level of provincial importance and security and how would they determine who is a “trusted proponent” who can be exempted from the so-called streamlining process? Bill 5 undoubtedly has appeal to developers but the OMHC believes that Ontario is not just about development and that a checks and balance regime will ensure that protection, preservation and recording of Ontario’s heritage and archaeology can work (and has proven to do so to date) with the needed development of Ontario infrastructure, etc.

Marine and land archaeological sites are typically found underwater or underground. They can only be found through archaeological assessment. This must be done before any development.

The OMHC has successfully protected many sites from development. Marine archaeologists, of whom we have many in the OMHC, are also acting as consultants to protect and record Ontario’s marine history. In 2021, the OMHC conducted in depth background research and field work into the site BaGv-42 (the Lower Landing) which had been subject to land archaeological assessments in 1996 and 2004 (confined to land). An avocational archaeologist informed the OMHC about Indigenous and Euro-Canadian artifacts in the East Holland River, where the “Bradford Bypass” was planned. Through our work and other interested parties, we were able to demonstrate that the site was of provincial significance (site of the Lower Landing, a stagecoach terminus, shipbuilding in the area, site of the Red Pine Fort, a meeting place for trade and gift giving for Indigenous peoples, etc.). It is only through archaeological assessment that these sites are given their due. Destruction of this site would have been imminent if the proposed changes were already in place – and resulted in a great loss for the “owners” of Ontario, that is, the people who inhabit this province.

The amendments claim to 'streamline' the process. Although some sites require extensive time for recording and excavation due to their importance, most archaeological assessments are carried out promptly. The government, not the archaeologists, is responsible for the delays.

Before the COVID-19 pandemic, the staff of the Ministry of Citizenship and Multiculturalism (as it is now known) successfully reduced its backlog for reviewing reports to a period of two years. This year, their backlog is at least seven years. Once a report is submitted to the MCM, any delays stem from the government, not the archaeological community.

Effective heritage stewardship requires meaningful oversight, transparency, and inclusive consultation with Indigenous communities, archaeologists, and local stakeholders.

The Ontario Marine Heritage Committee urges the Government of Ontario to:

* Reconsider the broad exemption powers proposed in this bill;
* Allocate dedicated resources and staffing to marine archaeological/heritage assessment and protection;
* Consider streamlining the archaeological review process;
* Engage in robust engagement/consultation with Indigenous Nations and the archaeological community;
* Ensure that changes to the Ontario Heritage Act maintain – not weaken – the public trust in cultural heritage resource management.

Ontario's cultural and archaeological heritage are valuable, non-renewable resources that should be protected and thoughtfully integrated into development planning, not seen as barriers. If archaeological assessments, mitigation and protection plans were better integrated into the system, it would decrease the disturbance of significant sites, for example cemeteries and individual burials, and consequently decrease possible delays, public uproar and financial burden that follows such a disturbance.

The OMHC sees this as a chance for the government to highlight Ontario's marine and land archaeological resources. If the government proceeds without acknowledging that archaeological resources must always be part of the predevelopment process, it will cast a shadow that darkens Ontario’s history forever.

Bill 5 must be opposed!

Sincerely

The OMHC Board of Directors and Members of the OMHC